

REMARKS

This reply is fully responsive to the Office Action dated January 12, 2007, and is filed within three - (3) months following the mailing date of the Office Action. The Commissioner is authorized to treat this response as including a petition to extend the
5 time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed. The method of payment and fees for petition fee due in connection therewith is enclosed.

Objection/Rejection Summary

- 10 This application has been carefully reviewed in light of the Office Action of January 12, 2007, wherein:
- A. Claims 1, 3, 6-11, 13, 16-22 were rejected under 35 U.S.C. 102(e) as being anticipated by Owensby (U.S. Patent No. 6,647,257, hereinafter referred to as the “Owensby patent”);
 - 15 B. Claims 2, 12, and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Owensby patent in view of Sone et al. (U.S. Patent No. 6,424,888, hereinafter referred to as the “Sone patent”); and
 - C. Claims 5 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Owensby patent in view of Shojima et al. (U.S. Patent No. 6,259,990,
20 hereinafter referred to as the “Shojima patent”).

Claim Rejections – 35 U.S.C. §102(e)

- A. Turning now to the Office Action, the Examiner rejected Claims 1, 3, 6-11, 13, 16-22 as being anticipated by the Owensby patent.

Claim 1

Regarding Claim 1, the Examiner stated that the Owensby patent discloses (in column 15, lines 32-54 and column 17, lines 25-54) a system for providing messages, which reads on the claimed “context sensitive dynamic data,” via wireless networks, comprising:

- 30 - a wireless mobile terminal (WMT, 12), which reads on the claimed “information source element,” configured to provide data, i.e., wireless mobile location data,

via a call signal to a Mobile Switch Center (18), which reads on the claimed “data service element,” which uses (column 14, lines 10-16) the provided said data to provide access (column 14, lines 16-38), which reads on the claimed “register” with a Call Management System (20) (column 14, lines 16-20), which reads on the claimed “directory service element.” The Examiner noted that he interpreted the claimed language “register” as a means of gaining access; therefore, in order for the said WMT (12) is able to gain “access”, the said terminal must be “registered.”

- wherein a subscriber, which reads on the claimed “client,” subsequently requests (column 22, lines 48-55) a service from a Data Input/Output Storage and Retrieval System (40), which reads on the claimed “directory service polling sub-element,” which manipulates (column 15, lines 2-31) a Call Management System (CMS, 20) containing sub-modules (Ad Content Data (ACD, 24)), which reads on the claimed “sends a look-up query to the directory service,” which in turn provides services matching those requested by the said subscriber, to a Historical Response Data (28), which reads on the claimed “candidate service filtering sub-element,” (*wherein as taught by Owensby, the targeted messages, i.e., candidate messages, are compared with the Historical Response Data (28) in order to choose the correct message targeted to the subscriber (column 16, lines 32-47).* The candidate services are the said subscriber’s preferences based on the Historical Response Data (28) and the wireless mobile location data.), where services are isolated and submitted to an Ad Content Server (ACS, 22), which reads on the claimed “target service filtering sub-element,” where the targeted messages, which reads on the claimed “target services,” are chosen, which reads on the claimed “isolated,” from the ACD (24) (column 16, lines 42-51) and provided to the subscriber and the subscriber’s selected messages are based on criteria which serve as a basis for selecting the targeted messages by the ACS (22) (column 16, lines 21-51) and a Candidate Discriminator Module (21) provides an updated service entry of subscriber’s services to a Ad Target Data Module (ATD, 25) (column 18, lines 43-57), wherein the targeted messages are transmitted only

to targeted subscribers via the CMS (20) (column 18, lines 33-67 and column 19, lines 1-18).

Addressing the requirements of anticipation, the Federal Circuit stated that, “There must
5 be no difference between the claimed invention and the reference disclosure, as viewed
by a person of ordinary skill in the field of the invention.” *Scripps Clinic & Research
Found. v. Genentech Inc.*, 927 F.2d 1576 (Fed. Cir. 1991). Furthermore, the Federal
Circuit stated that “Anticipation requires that every element of the claims appear in a
single reference ...” *Continental Can Co. USA v. Monsanto Co.*, 948 F.2d 1264 (Fed.
10 Cir. 1991), and that “Anticipation requires the disclosure in a single prior art reference of
each element of the claim under consideration.” *W.L. Gore & Associates v. Garlock,
Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983). In addition, the Federal Circuit
stated that under 35 U.S.C. § 102, “anticipation requires the presence in a single prior art
reference disclosure of each and every element of the claimed invention, arranged as in
15 the claim.” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730
F.2d 1452 (Fed. Cir. 1984).

Therefore, in order to establish a prima facie case of anticipation the Examiner must set
forth an argument that provides (1) a single reference (2) that teaches or enables (3) each
20 of the claimed elements (as arranged in the claim) (4) either expressly or inherently and
(5) as interpreted by one of ordinary skill in the art. All of these factors must be present,
or a case of anticipation is not met.

The Applicants respectfully submit that the Owensby patent does not teach all of the
25 claimed limitations of Claim 1. Specifically, the Applicants assert that the Owensby
patent does not teach, disclose, or suggest that (1) a client subsequently requests a service
from a directory service polling sub-element, which sends a look up query to the
directory service; (2) the isolated candidate services serve as the basis for registering the
client’s interest with a client update decision sub-element; (3) the client update decision
30 sub-element provides an updated service entry of candidate services to the target service

filtering sub-element; and (4) the directory service update decision sub-element provides an updated service entry to the directory service.

- 5 **1. The Owensby patent does not teach, disclose or suggest “wherein a client subsequently requests a service from a directory service polling sub-element, which sends a look up query to the directory service.”**

10 Claim 1 claims, in part, “wherein a client subsequently requests a service from a directory service polling sub-element, which sends a look up query to the directory service.” The Applicants submit that the Owensby patent does not teach, disclose, or suggest this limitation.

15 Regarding this limitation, the Examiner stated that a subscriber requests a service from a Data Input/Output Storage Retrieval System, which the Examiner claims is analogous to the “directory service polling sub-element.” The Examiner continues by stating that the Data Input/Output Storage Retrieval System manipulates the Call Management System (CMS) containing Ad Content Data (ACD), which the Examiner claims is analogous to “sends a look-up query to the directory service.”

20 However, the Examiner misinterprets the Owensby patent. Nowhere in the cited prior art does it describe the Data Input/Output Storage Retrieval System as manipulating the CMS (which the Examiner claims is analogous to the directory service). Instead, referring to the Examiner’s citation (column 15, lines 2-31), the Data Input/Output Storage Retrieval System is quoted as “manipulating a first database including...ACD.”

25 The first database is NOT the CMS. Thus, contrary to the Examiner’s assertion, the Owensby patent does NOT disclose that “a client subsequently requests a service from a directory service polling sub-element, which sends a look up query to the directory service.”

2. The Owensby patent does not teach, disclose or suggest that “the isolated candidate services serve as the basis for registering the client’s interest with a client update decision sub-element.”

5 Claim 1 claims, in part, that “the isolated candidate services serve as the basis for registering the client’s interest with a client update decision sub-element.” The Applicants submit that the Owensby patent does not teach, disclose, or suggest this limitation.

10 Regarding this limitation, the Examiner stated that “the subscriber’s selected messages are based on criteria which serve as a basis for selecting the targeted messages by the Ad Chooser Server (ACS) (22) (column 16, lines 21-51).” In making this rejection, the Examiner assumes that the ACS is analogous to the client update decision sub-element. However, concerning the next element of Claim 1 (re: argument no. 3 below), the

15 Examiner assumes that the Candidate Discriminator Module is analogous to the client update decision sub-element. The client update decision sub-element CANNOT BE BOTH the ACS and the Candidate Discriminator Module! Each of the ACS and the Candidate Discriminator Module are different systems, each with its own unique function. Thus, the Owensby patent does not teach this limitation, as set forth in the

20 claim.

3. The Owensby patent does not teach, disclose or suggest that “the client update decision sub-element provides an updated service entry of candidate services to the target service filtering sub-element.”

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Claim 1 claims, in part, that “the client update decision sub-element provides an updated service entry of candidate services to the target service filtering sub-element.” The Applicants submit that the Owensby patent does not teach, disclose, or suggest this limitation.

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Regarding this limitation, the Examiner stated that “a Candidate Discriminator Module (21) provides an updated service entry of subscriber’s services to an Ad Target Data Module (ATD, 25) (column 18, lines 43-57).” Following the Examiner’s reasoning, the Examiner is analogizing the “Candidate Discriminator Module” to the “client update decision sub-element” (first analogy) and the “target service filtering sub-element” to the “ATD” (second analogy).

The Applicants submit that the Examiner has misinterpreted the prior art and created a patchwork of inconsistent analogies to arrive at the present invention. For example, the first analogy is inconsistent with the analogy above regarding argument no. 2, where the “client update decision sub-element” is analogized to the “ACS.” Additionally, the second analogy is inconsistent with a prior analogy (see page 3 of the Office Action, lines 16-18) where the Examiner stated that “services are isolated and submitted to an Ad Content Server (ACS, 22), which reads on the claimed ‘target service filtering sub-element.’ ” Thus, the Examiner first analogized the “target service filtering sub-element” to the “ACS,” then later analogized the “target service filtering sub-element” to the “ATD.” The “target service filtering sub-element” CANNOT BE BOTH the “ACS” and the “ATD!” Each of the “ACS” and the “ATD” are different systems, each with their own unique function.

Further, the Examiner has characterized the “ACS” as being analogous to both the “target service filtering sub-element” (see page 3 of the Office Action, lines 16-18) and the “client update decision sub-element” (see page 3 of the Office Action, lines 21-22). Each of the “target service filtering sub-element” and the “client update decision sub-element” are separate sub-elements. The Applicants apologize for the confusing nature of the above analogies; however, this is a result of the inconsistencies as presented by the Examiner.

It should be emphasized that in order to establish a prima facie case of anticipation, the Examiner must set forth an argument that provides a single reference that teaches or enables each of the claimed elements, as arranged in the claim. As readily apparent from

the inconsistent analogies, the Owensby patent does not disclose each of the claimed elements, as arranged in the claim. Thus, the Owensby patent does not disclose that “the client update decision sub-element provides an updated service entry of candidate services to the target service filtering sub-element,” as applied to Claim 1.

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4. The Owensby patent does not teach, disclose or suggest that “the directory service update decision sub-element provides an updated service entry to the directory service.”

10 Claim 1 claims, in part, that “the directory service update decision sub-element provides an updated service entry to the directory service.” The Applicants submit that the Owensby patent does not teach, disclose, or suggest this limitation.

15 Regarding this limitation, the Examiner stated that “the targeted messages are transmitted only to targeted subscribers via the CMS (20) (column 18, lines 33-67 and column 19, lines 1-18).”

The Applicants respectfully submit that the Examiner has misinterpreted this limitation. Although the Examiner has analogized the “CMS” to the “directory service” (see page 3
20 of the Office Action, lines 1 and 2), the Examiner has not identified where in the Owensby patent a “directory service update decision sub-element” is taught. Further, the Examiner has not clarified where in the Owensby patent it teaches that the “directory service update decision sub-element” provides an updated service entry to the “directory service” (or “CMS” using the Examiner’s analogy). Thus, the Owensby patent does not
25 teach this limitation, as set forth in the claim.

For the extensive reasons set forth above, the Applicants respectfully submit that because the Owensby patent does not teach each of the claimed limitations of Claim 1, that Claim 1 is in allowable condition. Therefore, the Applicants respectfully request that this
30 rejection be withdrawn.

Claim 3

Regarding Claim 3, the Examiner stated that the Owensby patent discloses that the Call Management System (20) includes at least one element from the list consisting of an Ad Chooser Server Data (ACS, 29), which is pre-determined functions of choosing the
5 messages being targeted to the wireless terminal (12) (column 14, lines 59-62).

The Applicants direct the Examiner to the comments above regarding Claim 1. Because Claim 1 is allowable, the Applicants submit that Claim 3, which depends therefrom, is also allowable. Thus, the Applicants respectfully request that this rejection be
10 withdrawn.

Claims 6 and 16

Regarding Claims 6 and 16, the Examiner stated that the Owensby patent discloses Historical Response Data (28) that provides an updated service entry of candidate
15 services to the target service filtering sub-element even in the absence of an existing client, and wherein the Call Management System (CMS) (20) and the Mobile Switch Center (18) are located in a location remote from the Subscriber Profile Data (26) (FIGURES 2 and 3).

Claims 6 and 16 claim, in part, that “wherein the updated service entry is periodically updated even in the absence of an existing client, and wherein the data service and the directory service are located in a location remote from the personal look-up agent.” The Applicants submit that the Owensby patent does not teach, disclose, or suggest this
20 limitation.

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The Examiner claims that the “CMS” is analogous to the “directory service” and that the “Subscriber Profile Data” is analogous to the “personal look-up agent.” The Applicants direct the Examiner to FIGURE 2 of the Owensby patent, where it clearly shows that the “Subscriber Profile Data” (26) is a component of the “CMS” (20). Thus, contrary to the
30 Examiner’s assertion, the “CMS” (20) is NOT at a location that is remote from the “Subscriber Profile Data.”

Therefore, the Applicants respectfully submit that the Owensby patent does NOT teach “wherein the data service and the directory service are located in a location remote from the personal look-up agent.”

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Additionally, the Applicants direct the Examiner to the comments above regarding Claim 1. Because Claim 1 is allowable, the Applicants submit that Claim 6, which depends therefrom, is also allowable. Further, the Applicants direct the Examiner to the comments above regarding Claim 10. Because Claim 10 is allowable, the Applicants submit that Claim 16, which depends therefrom, is also allowable. Thus, the Applicants respectfully request that this rejection be withdrawn.

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Claim 7

Regarding Claim 7, the Examiner stated that the Owensby patent discloses (in column 11, lines 49-65) a wireless mobile terminal (WMT, 12), which reads on the claimed “information source,” that is located in at least one location, and that the Call Management System (20), Mobile Switch Center (18) and the Subscriber Profile Data (26) are in at least one other location. (See FIGURE 2).

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The Applicants direct the Examiner to the comments above regarding Claim 1. Because Claim 1 is allowable, the Applicants submit that Claim 7, which depends therefrom, is also allowable. Thus, the Applicants respectfully request that this rejection be withdrawn.

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Claim 8

Regarding Claim 8, the Examiner stated that the Owensby patent discloses that the wireless mobile terminal (WMT, 12) is located in at least one location, and the Call Management System (20), Mobile Switch Center (18) and the Subscriber Profile Data (26) are in at least one other location. (See FIGURE 3). The Examiner also stated that the Owensby patent discloses that at least two of the elements are physically

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interconnected and at least two of the parts are interconnected using wireless based technology. (See FIGURE 1 and column 13, lines 20-37).

The Applicants direct the Examiner to the comments above regarding Claim 1. Because Claim 1 is allowable, the Applicants submit that Claim 8, which depends therefrom, is
5 also allowable. Thus, the Applicants respectfully request that this rejection be withdrawn.

Claim 9

Regarding Claim 9, the Examiner stated that the Owensby patent discloses that the
10 operative interconnect between the advertiser (sponsor) and the wireless terminal (12) is characterized by at least one wireless link. (See FIGURE 1 and column 13, lines 30-34).

The Applicants direct the Examiner to the comments above regarding Claim 1. Because Claim 1 is allowable, the Applicants submit that Claim 9, which depends therefrom, is
15 also allowable. Thus, the Applicants respectfully request that this rejection be withdrawn.

Claim 10

Regarding Claim 10, the Examiner stated that the Owensby patent discloses a method for
20 providing messages, which reads on the claimed “context sensitive dynamic data,” via wireless networks comprising:

- providing, wireless mobile terminal (WMT, 12), which reads on the claimed “information source element”;
- providing a Mobile Switch Center (18) (see column 14, lines 31-38), which reads
25 on the claimed “data service element,” including at least one of the following:
 - o a Historical Response Data (28) that provides an updated service entry of candidate services to the target service filtering sub-element and the directory service update decision sub-element provides an updated service entry to the said Call Management System (20). (See column 16, lines 3-
30 51 and column 19, lines 39-54);

- a Call Management System (20), which reads on the claimed “directory service element.” (See column 16, lines 3-51);
- providing a personal look-up agent, including at least one of the following sub-elements:

5 ○ a Data Input/Output Storage and Retrieval System (40), which reads on the claimed “directory service polling sub-element,” which manipulates (see column 15, lines 2-31) a wireless mobile terminal (WMT, 12), which reads on the claimed “information source element,” configured to provide data, i.e., wireless mobile location data, via a call signal to a Mobile

10 Switch Center (18), which reads on the claimed “data service element,” which uses (column 14, lines 10-16) the provided data to provide access (column 14, lines 16-38), which reads on the claimed “register,” with a Call Management System (20) (see column 14, lines 16-20), which reads on the claimed “directory service element” (The Examiner noted that he

15 has interpreted the claimed language “register” as a means of gaining access; therefore, in order for the said WMT (12) to gain “access,” the terminal must be “registered”); and

20 ○ wherein a subscriber, which reads on the claimed “client,” subsequently requests (see column 22, lines 48-55) a service from a Data Input/Output Storage and Retrieval System (40), which reads on the claimed “directory service polling sub-element,” which manipulates (see column 15, lines 2-31) a Call Management System (CMS, 20) containing sub-modules (Ad Content Data (ACD, 24)), which reads on the claimed “sends a look-up query to the directory service,” which in turn provides services matching

25 those requested by the subscriber, to a Historical Response Data (28), which reads on the claimed “candidate service filtering sub-element,” *(wherein as taught by the Owensby patent, the targeted messages, i.e., candidate messages, are compared with the Historical Response Data (28) in order to choose the correct message targeted to the subscriber (see*

30 *column 16, lines 32-47). The candidate services are the subscriber’s preferences based on the Historical Response Data (28) and the wireless*

mobile location data), where services are isolated and submitted to an Ad Content Server (ACS, 22), which reads on the claimed “target service filtering sub-element,” where the targeted messages, which reads on the claimed “target services,” are chosen, which reads on the claimed
5 “isolated,” from the ACD (24) (see column 16, lines 42-51) and provided to the subscriber and the subscriber’s selected messages are based on criteria which serve as a basis for selecting the targeted messages by the ACS (22) (see column 16, lines 21-51) and a Candidate Discriminator Module (21) provides an updated service entry of subscriber’s services to
10 a Ad Target Data Module (ATD, 25) (see column 18, lines 43-57), wherein the targeted messages are transmitted only to targeted subscribers via the CMS (20). (See column 18, lines 33-67 and column 19, lines 1-18).

The same arguments made above with reference to Claim 1 are applicable to Claim 10.

15 Thus, the Applicants submit, for the reasons given above with respect to Claim 1, that Claim 10 is patentable over the cited prior art. Thus, the Applicants respectfully request that this rejection be withdrawn.

Claim 11

20 Regarding Claim 11, the Examiner stated that the Owensby patent discloses a method for providing context-sensitive dynamic data via wireless networks, wherein after the initial service look-up utilizing the Call Management System directory service element, the wireless terminal (12) contact with the Ad Chooser Server, via the pre-determined criteria first database, the messages are provided to the said wireless terminal (12) from the ad
25 Target Data (25). (See column 8, lines 42-63).

Claim 11 claims, in part, that “the client contact with the information source subelement, via the personal look-up agent element is substantially confined to the client update decision sub-element.” The Applicants submit that the Owensby patent does not teach,
30 disclose, or suggest this limitation.

The Examiner has previously asserted that the “client update decision sub-element” is analogous to the “Candidate Discriminator Module” (see page 4 of the Office Action, lines 1 and 2). With respect to this rejection, it appears that the Examiner now asserts that the “client update decision sub-element” is analogous to the “Ad Target Data.”

- 5 Claim 11 includes the limitation of the “client update decision sub-element,” which is NOT both the “Ad Target Data” AND the “Candidate Discriminator Module,” each of which have their own function (as described by the Owensby patent).

- 10 It should be emphasized again that in order to establish a prima facie case of anticipation, the Examiner must set forth an argument that provides a single reference that teaches or enables each of the claimed elements, as arranged in the claim. As readily apparent from the inconsistent analogies, the Owensby patent does not disclose each of the claimed elements, as arranged in the claim. Thus, the Owensby patent does not disclose that “client contact with the information source subelement, via the personal look-up agent
- 15 element is substantially confined to the client update decision sub-element,” as applied to Claim 11.

- Additionally, the Applicants direct the Examiner to the comments above regarding Claim 10. Because Claim 10 is allowable, the Applicants submit that Claim 11, which depends
- 20 therefrom, is also allowable. Thus, the Applicants respectfully request that this rejection be withdrawn.

Claim 14

- Regarding Claim 14, the Examiner stated that the Owensby patent discloses a method
- 25 wherein the Mobile Switch Center (18) includes utilizing a Call Management System (20), which reads on the claimed “computer configured to perform pre-specified functions.” (See column 18 lines 36-45).

- The Applicants direct the Examiner to the comments above regarding Claim 10.
- 30 Because Claim 10 is allowable, the Applicants submit that Claim 14, which depends

therefrom, is also allowable. Thus, the Applicants respectfully request that this rejection be withdrawn.

Claim 17

5 Regarding Claim 17, the Examiner stated that the Owensby patent discloses (in column 17, lines 25-53 and column 15, lines 43-57) a wireless mobile terminal (WMT, 12), which reads on the claimed “information source element,” which is located in at least one location, and that the Call Management System (20), Mobile Switch Center (18) and the Subscriber Profile Data (26) are in at least one other location. (See FIGURE 3).

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The Applicants direct the Examiner to the comments above regarding Claim 10. Because Claim 10 is allowable, the Applicants submit that Claim 17, which depends therefrom, is also allowable. Thus, the Applicants respectfully request that this rejection be withdrawn.

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Claim 18

Regarding Claim 18, the Examiner stated that the Owensby patent discloses a wireless mobile terminal (WMT, 12), which reads on the claimed “information source element,” which is located in at least one location, and that the Call Management System (20),
20 Mobile Switch Center (18) and the Subscriber Profile Data (26) are in at least one other location. (See FIGURE 3). The Examiner also stated that at least two of the elements are physically interconnected and at least two of the parts are interconnected using wireless based technology. (See FIGURE 1 and column 13, lines 20-37).

25 The Applicants direct the Examiner to the comments above regarding Claim 10. Because Claim 10 is allowable, the Applicants submit that Claim 18, which depends therefrom, is also allowable. Thus, the Applicants respectfully request that this rejection be withdrawn.

30 Claim 19 (previously Claim 20)

Regarding Claim 19, the Applicants respectfully point out that the Examiner has incorrectly characterized the claim as Claim 20. The claims were previously amended to correct the claim dependencies which resulted in Claim 20 now being labeled as Claim 19. Regarding Claim 19, the Examiner stated that the Owensby patent discloses that the operative interconnect between the advertiser (Sponsor) and the wireless terminal (12) is characterized by at least one wireless link. (See FIGURE 1 and column 13, lines 30-34).

The Applicants direct the Examiner to the comments above regarding Claim 10.

Because Claim 10 is allowable, the Applicants submit that Claim 19, which depends therefrom, is also allowable. Thus, the Applicants respectfully request that this rejection be withdrawn.

Claim 20 (previously Claim 21)

Regarding Claim 20, the Applicants respectfully point out that the Examiner has incorrectly characterized the claim as Claim 21. The claims were previously amended to correct the claim dependencies which resulted in Claim 21 now being labeled as Claim 20. Regarding Claim 20, the Examiner stated that the Owensby patent discloses a system configured to provide messages, which reads on the claimed “data,” to a wireless terminal (12), which reads on the claimed “mobile client,” wherein the provided message is relevant to the location of the wireless terminal (12), and wherein the message is dynamically updated and the wireless terminal (12) receives contextually relevant messages despite changing position. (See column 17, lines 54-67 and column 18, lines 1-10).

Claim 20 claims, in part, “the data is dynamically updated” The Examiner stated that the Owensby patent teaches this limitation in col. 17, lines 54-67 and col. 18, lines 1-10. The Applicants respectfully disagree. Col. 18, lines 4-10 state “[t]he Ad Selection Code is then manipulated to select an appropriate advertisement for the subscriber based on the geographical location of the subscriber, the demographics and preferences of the subscriber, the advertisements previously provided to the subscriber and the data and time of the call.” The Applicants are unaware where in the section of the Owensby

patent cited by the Examiner that the “data is dynamically updated” as is claimed by Claim 20. Admittedly, an advertisement is sent based on the wireless devices location, but the Applicants submit that the Owensby patent does not teach, disclose or suggest dynamically updating the data. Thus, the Applicants submit that Claim 20 is patentable
5 over the cited prior art. Therefore, the Applicants respectfully request that this rejection be withdrawn.

Claim 21 (previously Claim 22)

Regarding Claim 21, the Applicants respectfully point out that the Examiner has
10 incorrectly characterized the claim as Claim 22. The claims were previously amended to correct the claim dependencies which resulted in Claim 22 now being labeled as Claim 21. Regarding Claim 21, the Examiner stated that the Owensby patent discloses (in column 18, lines 1- 10) that the wireless terminal (12)/subscriber provides preferences, which reads on the claimed “criteria,” for what constitutes relevant messages, and only
15 the messages meeting the preferences are provided to the wireless terminal.

The Applicants direct the Examiner to the comments above regarding Claim 20. Because Claim 20 is allowable, the Applicants submit that Claim 21, which depends therefrom, is also allowable. Thus, the Applicants respectfully request that this rejection
20 be withdrawn.

Claim 22 (previously Claim 23)

Regarding Claim 22, the Applicants respectfully point out that the Examiner has
incorrectly characterized the claim as Claim 23. The claims were previously amended to
25 correct the claim dependencies which resulted in Claim 23 now being labeled as Claim 22. Regarding Claim 22, the Examiner stated that the Owensby patent discloses (in column 18, lines 110) that the wireless terminal (12)/subscriber provides preferences, which reads on the claimed “criteria,” for what constitutes relevant messages, and that only the messages meeting the preferences are provided to the said wireless terminal.
30 The Examiner stated that the Owensby patent further discloses (in column 18, lines 11- 32) that the system also allows advertisement from the respected operator of the network

to be sent to the wireless terminal (12), regardless of the subscriber's preference, which reads on the claimed "a triggering event, which automatically provides an update to a user."

- 5 The Applicants direct the Examiner to the comments above regarding Claim 20. Because Claim 20 is allowable, the Applicants submit that Claim 22, which depends therefrom, is also allowable. Thus, the Applicants respectfully request that this rejection be withdrawn.

- 10 B. Claims 2, 12, and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Owensby patent in view of the Sone patent.

Claims 2 and 12

- 15 Regarding Claims 2 and 12, the Examiner stated that the Owensby patent discloses a method for providing messages, which reads on the claimed "context sensitive dynamic data," to a wireless terminal (12), which reads on the claimed "information source element." However, the Examiner conceded that the reference fails to expressly teach that the Advertiser (Sponsor) comprises at least one of the following:

- a permanently mounted video camera;
- 20 - a video camera affixed to a vehicle;
- a strategically placed environmental sensor;
- an environmental sensor affixed to a vehicle; and
- a satellite based position sensor affixed to a vehicle.

- 25 The Examiner further stated that the Sone patent discloses (in column 4, lines 48-58) a vehicle-mounted (inside and outside) monitor camera, which reads on the claimed "a video camera affixed to a vehicle." Therefore, the Examiner concluded that it would have been obvious to a person of ordinary skilled in the art to modify the teachings of the Owensby patent, as applied to Claims 1 and 10 above, in view of the Sone patent so that
- 30 the Advertiser (Sponsor) is equipped with the capability of capturing a targeted audience

in order to provide the best advertisement message more efficiently based on the captured images from the vehicle-mounted (inside and outside) monitor camera.

The Applicants direct the Examiner to the comments above regarding Claim 1. Because Claim 1 is allowable, the Applicants submit that Claim 2, which depends therefrom, is also allowable. Further, the Applicants direct the Examiner to the comments above regarding Claim 10. Because Claim 10 is allowable, the Applicants submit that Claim 12, which depends therefrom, is also allowable. Thus, the Applicants respectfully request that this rejection be withdrawn.

Claim 14

Regarding Claim 14, the Examiner stated that the Sone patent discloses (in column 4 lines, 48-58) a vehicle-mounted (inside and outside) monitor camera, which reads on claimed “a video camera affixed to a vehicle”.

The Applicants direct the Examiner to the comments above regarding Claim 10. Because Claim 10 is allowable, the Applicants submit that Claim 14, which depends therefrom, is also allowable. Thus, the Applicants respectfully request that this rejection be withdrawn.

C. Claims 5 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Owensby patent in view of the Shojima patent.

Claims 5 and 15

Regarding Claims 5 and 15, the Examiner stated that the Owensby patent discloses a method for providing messages, which reads on the claimed “context sensitive dynamic data,” to a wireless terminal (12), which reads on the claimed “client,” where the wireless terminal (12) is able to receive the message to be relayed to the user.

However, the Examiner conceded that the Owensby patent fails to expressly suggest that the wireless terminal (12) has mobility and is a pedestrian. Additionally, the Examiner

conceded that the Owensby patent fails to expressly disclose where the Advertiser (Sponsor) utilizes a plurality of sources, including a vehicle and a stationary sensor.

5 The Examiner further stated that the Shojima patent teaches (in column 4, lines 1-35) a pedestrian where information, such as route information, is sent to the pedestrian via a route guidance apparatus (2). The Examiner also stated that the Shojima patent discloses a system that utilizes an information providing apparatus (1) coupled with a stationary route computation and installation marker (3), which reads on the claimed “stationary sensor,” that can easily be installed in an elevator, which reads on the claimed “vehicle.”
10 (See column 4, lines 65-67).

Therefore, the Examiner concluded that it would have been obvious to a person of ordinary skilled in the art to modify the teachings of the Owensby patent in view of the Shojima patent in order to provide a means to detect a pedestrian’s movement and
15 provide pertinent information to the pedestrian when needed.

The Applicants direct the Examiner to page 2, section 1 of the Office Action, where the Examiner claimed that the “WMT” is analogous to the “information source element.” The Examiner further analogized the “subscriber” with the “client” (see page 3, line 3 of
20 the Office Action). Now, with respect to the rejections of Claims 5 and 15, the Examiner asserted that the “wireless terminal (12)...reads on the claimed ‘client.’” Thus, the Examiner used the “WMT” interchangeably with both the “client” AND the “information source.” With respect to the present invention, the “information source” is NOT the same thing as the “client.” The Examiner cannot make one analogy with respect to one
25 rejection and thereafter alter its meaning entirely in making another analogy for another rejection.

In order to present a prima facie case of obviousness, the Examiner must provide (1) one or more references (2) that were available to the inventor and (3) that teach (4) a
30 suggestion to combine or modify the references, (5) the combination or modification of which would appear to be sufficient to have made the claimed invention obvious to one

of ordinary skill in the art. With respect to the rejection of Claims 5 and 15, the Examiner has presented a combination using inconsistent meanings (that the “WMT” is BOTH the “client” and the “information source.”) The present invention delineates the “client” from the “information source.” Therefore, the combination of the Owensby
5 patent with the Shojima patent (according to the Examiner) does not teach each element of the claimed subject matter.

Additionally, the Applicants refer the Examiner to the comments above regarding Claims 1 and 10. As neither of the inventions of the Owensby patent and the Shojima patent
10 (either alone or in combination) teach all of the claimed limitations in Claims 1 and 10, the Applicants believe that Claims 5 and 10, which depend therefrom, are also allowable. Thus, the Applicants respectfully request that this rejection be withdrawn.

Concluding Remarks:

The Applicants respectfully submit that in light of the above comments and remarks, all claims are now in allowable condition. The Applicants thus respectfully requests timely allowance of all of the pending claims.

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In the event the Examiner wishes to discuss any aspect of this response, or believes that a conversation with either Applicants or Applicants' representative would be beneficial the Examiner is encouraged to contact the undersigned at the telephone number indicated below.

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The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 50-2691. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed. The petition fee due in connection therewith may be charged to the attached credit card form or deposit account no. 50-2691.

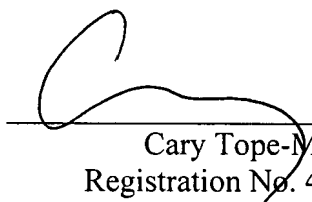
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Respectfully submitted,

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4/12/07
Date


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